IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8045 of 1989

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAVINKUMAR M MAKWANA

Versus

GUJARAT PANCHAYAT SERVICE SELECTION BOARD

Appearance:

MR IS SUPEHIA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI

Date of decision: 05/05/2000

ORAL JUDGEMENT

In the year 1986, the petitioner applied for the post of Gujarati Typist in the Panchayat Services of the State. He appeared in the written test and after facing interview was selected by the Gujarat Panchayat Service Selection Board. In the Select List issued on 27.2.89

his name was shown to have been kept in the select list. A formal communication with regard to the same was sent to the petitioner which is annexed in the petition at Annexure B.

2. The petitioner is aggrieved by the subsequent impugned communication dated 7.9.89 (Annexure C) whereby he has been informed that as the period of the waiting list has expired, his name has been removed from the waiting list.

3. This Court after admitting the petition passed an interim order directing the respondents to keep one post of Gujarati typist vacant till further orders. The order was made on 27.12.89 & continues in operation for such a long period. On behalf of the respondents no reply affidavit has been filed.

4. Learned Counsel relies on a circular of the Gujarat Panchayat Service Selection Board dated 29.5.82. Attention is invited to Para 3 of the said circular which states that the waiting list shall remain in force till the result of the next examination. On behalf of the respondents, Learned counsel states that there are subsequent circulars providing that the waiting list shall remain in force till the result of the next examination or 1 year whichever is earlier. This is in accordance with the GR dated 12.6.1989 of the Panchayat and Urban Housing Development Department. The circular which has been relied by the respondents has not been placed on record and no reply affidavit has been filed.

5. On inquiry by the Court, the Learned Counsel submits that the petitioner is employed elsewhere but he is not aware on which post.

6. In the aforesaid circumstances, relying on the circular brought to notice of this Court by the petitioner, it is directed that in case, as per the interim direction of this Court, one post of Gujarati Typist is still vacant, the petitioner's candidature for the post of Gujarati typist may be considered on the basis of inclusion of his name in the waiting list. This relief is granted subject to the petitioner's expressing his willingness in writing to the respondents within a period of 2 months from the date of this order bto accept the appointment & resign from his present post. With these directions, the petition is disposed of. Rule is made absolute. Let the respondents pay a cost of Rs.500/to the petitioner.

(D.M.Dharamadhikari, CJ)

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